



PATENT
216019-61

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re-application of

Applicants: PETER ROBERT BAUM, ROBERT FINLEY DUBOSE, JOHN E. SIMS, ADEL YOUAKIM,
KARL W. HASEL and BRIAN S. HILBUSH

Serial No.: 09/831,621

Filed: November 10, 1999

Title: NOVEL DNAs AND POLYPEPTIDES

REVOCATION/APPOINTMENT OF POWER OF ATTORNEY

DIGITAL GENE TECHNOLOGIES, INC. a corporation of the State of California, having become the owner of all rights in and to the above-identified patent application by virtue of an Assignment executed by the inventors (copy attached), hereby revokes all previous powers of attorney and hereby appoints in their stead:

BERLINER, Brian M., Registration No. 34,549
AJALAT, Christiana M., Registration No. 50,956
FITZSIMMONS, Todd E., Registration No. 44,683
GALLAGHER, Dennis R., Registration No. 42,563
HSUEH, Peter C., Registration No. 45,574
JAECH, Jonathan A., Registration No. 41,091
MILLER, Mark E., Registration No. 31,401
SCHRADER, Scott A., Registration No. 47,928
YAGURA, Ryan K., Registration No. 47,191

as attorney(s) and/or agent(s) of to prosecute said application and to transact all business in the U.S. Patent and Trademark Office in connection therewith and before competent International Authorities.

Please change the correspondence address and direct all future correspondence to:

Brian M. Berliner, Esq.
O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles, California 90071-2899
Telephone: 213-430-6000

IN ACCORDANCE WITH 37 C.F.R. § 3.73, THE ASSIGNEE HEREBY CERTIFIES THAT THE EVIDENTIARY DOCUMENTS WITH RESPECT TO ITS OWNERSHIP HAVE BEEN REVIEWED AND THAT, TO THE BEST OF THE ASSIGNEE'S KNOWLEDGE AND BELIEF, TITLE IS IN THE ASSIGNEE SEEKING TO TAKE THIS ACTION.

DATED: May 16, 2002

DIGITAL GENE TECHNOLOGIES, INC.

By: 

Thomas E. Griffin
Chief Financial Officer